

EXHIBIT 10

Bower, Elizabeth

From: lazaroffm@gtlaw.com
Sent: Wednesday, August 23, 2017 12:22 PM
To: Bower, Elizabeth
Cc: savittn@gtlaw.com; Fitzmaurice, James; McCallen, Benjamin; lsolomon@gtlaw.com
Subject: RE: Proposed letter concerning Protective order/ESI orders

Liz:

I am not sure what this has to do with our principled dispute about the scope of the protective order nor is it anything you raised in our meet and confer last Monday or until now. As I told you at our meet and confer and as is laid out in our letter, there is no basis for this type of restriction. We believe that is not consistent with the general practice in US courts. We have no particular plan to do anything with any particular discovery document. We do not even have any documents yet.

Thank you,

Michael

From: Bower, Elizabeth [mailto:EBower@WILLKIE.COM]
Sent: Wednesday, August 23, 2017 11:32 AM
To: Lazaroff, Michael S. (Shld-NY-LT); Solomon, Louis M. (Shld-NY-LT)
Cc: Savitt, Nancy (ProjectAtty-NY-LT); Fitzmaurice, James; McCallen, Benjamin
Subject: RE: Proposed letter concerning Protective order/ESI orders

Lou, Michael,

What do plaintiffs plan to do with defendants' non-confidential information obtained during discovery? You have not told us this and your letter never addresses it, and that issue seems central to the dispute.

Thanks,
Liz

Elizabeth Bower
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From: lazaroffm@gtlaw.com [mailto:lazaroffm@gtlaw.com]
Sent: Wednesday, August 23, 2017 9:53 AM
To: Bower, Elizabeth <EBower@WILLKIE.COM>
Cc: savittn@gtlaw.com; Fitzmaurice, James <JFitzmaurice@willkie.com>; McCallen, Benjamin <BMcCallen@willkie.com>; lsolomon@gtlaw.com
Subject: RE: Proposed letter concerning Protective order/ESI orders

Please see the attached updated letter together with a comparison to the last version you sent. We believe we should finalize this and send it to the Court today.

Michael S. Lazaroff
Shareholder
Greenberg Traurig, LLP | MetLife Building | 200 Park Avenue | New York, NY 10166
Tel 212.801.3154
lazaroffm@gtlaw.com | www.gtlaw.com



From: Bower, Elizabeth [<mailto:EBower@WILLKIE.COM>]
Sent: Tuesday, August 22, 2017 8:06 PM
To: Lazaroff, Michael S. (Shld-NY-LT)
Cc: Savitt, Nancy (ProjectAtty-NY-LT); Fitzmaurice, James; McCallen, Benjamin
Subject: Re: Proposed letter concerning Protective order/ESI orders

Whether we can file tomorrow will depend on when we get it and what it says.

Elizabeth J. Bower

Elizabeth Bower
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On Aug 22, 2017, at 7:54 PM, "lazaroffm@gtlaw.com" <lazaroffm@gtlaw.com> wrote:

Liz:

We will be supplementing Plaintiffs' position in light of your additions. We will send it to you tomorrow morning. We also think we should make sure we finalize tomorrow so we can send the letter to court together with the signed ESI/502(d) stipulations.

Thank you,

Michael

From: Bower, Elizabeth [<mailto:EBower@WILLKIE.COM>]
Sent: Tuesday, August 22, 2017 6:38 PM
To: Lazaroff, Michael S. (Shld-NY-LT)
Cc: Savitt, Nancy (ProjectAtty-NY-LT); Fitzmaurice, James; McCallen, Benjamin
Subject: RE: Proposed letter concerning Protective order/ESI orders

Michael,

If you intend to supplant Plaintiffs' position in this letter before submitting to the court we want to see it and have an opportunity to address it before it is filed.

Liz

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From: Bower, Elizabeth
Sent: Monday, August 21, 2017 5:12 PM
To: 'lazaroffm@gtlaw.com' <lazaroffm@gtlaw.com>
Cc: savittn@gtlaw.com; Fitzmaurice, James <JFitzmaurice@willkie.com>; McCallen, Benjamin <BMcCallen@willkie.com>
Subject: RE: Proposed letter concerning Protective order/ESI orders

Michael,

Attached please find a clean and redline version of the letter incorporating our comments.

Thanks,
Liz

Elizabeth Bower
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From: lazaroffm@gtlaw.com [<mailto:lazaroffm@gtlaw.com>]
Sent: Wednesday, August 16, 2017 10:55 PM
To: Bower, Elizabeth <EBower@WILLKIE.COM>
Cc: savittn@gtlaw.com
Subject: Proposed letter concerning Protective order/ESI orders

Liz:

As we discussed, attached is a draft joint letter to Judge Peck that sets forth our substantial areas of agreement on the protective order/ESI orders and the one conceptual area of disagreement. I am also including the compare write that shows the remaining differences that flow from our disagreement. I left a space for you to insert Defendants' position. Please send me your comments by Friday so we can try to finalize and get to the Court.

Thank you,

Michael

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